

MANDATE

**United States Court of Appeals
For the First Circuit**

05-11620
JSDC/MA
Young, W.

No. 06-1740

VERNON S. RIVET, JR.,

Plaintiff, Appellant,

v.

TOWN OF BILLERICA, ET AL.,

Defendants, Appellees.

Before

Boudin, Chief Judge,
Torruella and Howard, Circuit Judges.

JUDGMENT

Entered: July 19, 2006

Invoking Federal Rule of Appellate Procedure 4(a)(6), appellant argues that his appeal is timely because he did not receive notice of the order dismissing his appeal until April 5, 2006 and his notice of appeal was filed on April 4, 2006. Appellant's reliance on Rule 4(a)(6) is misplaced. That rule requires an appellant to file a motion with the district court within the time limits specified in Fed. R. App. P. 4(a)(6)(B) and to satisfy the rule's other requirements. Here, however, no motion was filed with the district court.

Because no timely notice of appeal was filed, this appeal is dismissed.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk

George Kretz
Deputy Clerk

Date: 8/9/06

By the Court:

Richard Cushing Donovan, Clerk.

MARGARET CARTER

By: _____
Chief Deputy Clerk.

[cc: Vernon S. Rivet, Thomas Reilly, AG]